



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/552,956

10/14/2005

Sang Won Park

CU-4462 WWP

1638

26530 7590 08/03/2010  
LADAS & PARRY LLP  
224 SOUTH MICHIGAN AVENUE  
SUITE 1600  
CHICAGO, IL 60604

EXAMINER

UBER, NATHAN C

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

08/03/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/552,956

Examiner

NATHAN C. UBER

Applicant(s)

PARK ET AL.

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 17 May 2010 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Arthur Duran/  
Primary Examiner, Art Unit 3622

Continuation of 1(c) Other: The proposed amendment would introduce new matter into the application. Specifically Applicant wishes to redefine "computer readable medium." Adding, deleting or replacing definitions that were present in the original disclosure resulting in new definitions in the specification constitutes an impermissible introduction of new matter into to the disclosure. Applicant indicated that redefining "computer readable medium" in the specification removes "any indication that the computer readable medium can be twisted to be interpreted as a signal" (see page 19 of Applicant's remarks). Examiner will interpret any broad recitation of a "computer readable medium" in the claims as a signal unless the original disclosure specifies a clear and narrow definition that excludes signals or unless the claim is amended such that signal-based computer readable mediums cannot be within the scope of the claim. This interpretation is consistent with the mandate in MPEP §2111 directing Examiners to give claims and claim limitations their broadest reasonable interpretation in light of the specification without reading limitations from the specification into the claims. This interpretation is also consistent with USPTO policy regarding the subject matter eligibility of "computer readable medium" claims as indicated in the memo from the USPTO director to the Examining Corps on 26 January 2010 which is publicly available at the USPTO website ([www.uspto.gov/patents/law/notices/101\\_crm\\_20100127.pdf](http://www.uspto.gov/patents/law/notices/101_crm_20100127.pdf)). Examiner can assure Applicant that Examiner does not endeavor to "twist" Applicant's claim language for the purpose of piling on claim rejections. Further Applicant should be aware that Applicant's proposed amendment to the specification alone, if it were entered, would not have cured the deficiencies in the claim that gave rise to the current 35 U.S.C. 101 rejection..

Continuation of 4(e) Other: The amendment filed on 17 May 2010 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the new claim limitations added to each of the independent claims were not previously claimed in prior claims sets and detail a different invention than the invention previously claimed. Notably the currently claimed embodiment includes a new classification step, preparing step, attracting step and providing step. The new judging step is also different from previous judging and determining steps. The current claim set also excises all of the previously claimed steps in all independent claims except for claim 8. In claim 8 the new method steps are appended to the previously claimed method steps. Applicant notes in Applicant's remarks that the claim amendments are clarifying amendments, but the amended claims are in fact defining a different invention than the previous claim set rather than clarifying the previous claim set.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.